

THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 LOCALS 302 AND 612 OF THE
10 INTERNATIONAL UNION OF
11 OPERATING ENGINEERS
12 CONSTRUCTION INDUSTRY
HEALTH AND SECURITY FUND, *et*
al.,

13 Plaintiffs,

14 v.

15 BARRY CIVIL CONSTRUCTION,
16 INC.,

17 Defendant.

CASE NO. C16-1773-JCC

ORDER OF DEFAULT
JUDGMENT

18 This matter comes before the Court on the motion for default judgment by Plaintiffs
19 Locals 302 and 612 of the International Union of Operating Engineers Construction Industry
20 Health and Service Fund, *et al.*, against Defendant Barry Civil Construction, Inc. (Dkt. No. 9).

21 Barry was properly served in this matter on November 17, 2016. (Dkt. No. 2.) Barry has
22 failed to appear or otherwise defend in this action. Accordingly, the Clerk entered an order of
23 default on January 18, 2017. (Dkt. No. 7.)

24 “At the default judgment stage, the court presumes all well-pleaded factual allegations
25 related to liability are true.” *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1211 (W.D.
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1 Wash. 2014); *see also TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).
2 However, factual allegations relating to the amount of damages are not taken as true. *Curtis*, 33
3 F. Supp. 3d at 1211. A “plaintiff is required to prove all damages sought in the complaint, and
4 the court must ensure that the amount of damages is reasonable and demonstrated by the
5 evidence.” *Id.*

6 Based on the materials submitted, the Court finds sufficient allegations, as well as
7 evidence, to establish liability and sufficient evidence to support the amount and type of
8 damages.

9 Thus, the motion for default judgment (Dkt. No. 9) is GRANTED. The summary of
10 judgment is as follows:

11	Judgment Creditor:	Operating Engineers Trust Funds
12	Judgment Debtor:	Barry Civil Construction, Inc.

13 Amounts Payable to Plaintiff Fund

14	Unpaid Contributions:	\$34,837.76
15	Liquidated Damages	\$4,258.07
16	Interest through March 24, 2017	\$1,634.60
17	Interest thereafter	12% per annum
18	(on unpaid contributions only)	

19 Amounts Payable to Plaintiff Local Union

20	Unpaid Union Dues:	\$2,028.76
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21 Amounts Payable to All Plaintiffs

22	Attorney Fees:	\$546.00
23	Costs:	\$459.50
24	Other Recovery Amounts:	NONE
25	Interest Rate on Costs:	NONE
26	Attorneys for Judgment Creditor:	Reid, McCarthy, Ballew & Leahy, L.L.P.

27	<u>TOTAL:</u>	\$43,764.69
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The Clerk is directed to CLOSE this case.

1 DATED this 30th day of March, 2017.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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